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January 30, 2024

BY ECF

The Honorable Richard M. Gergel
United States District Court
For the District of South Carolina
P.O. Box 835
Charleston, South Carolina 29402

Re: *Tyco Fire Products LP v. AIU Ins. Co., et al., No. 2:23-cv-02384 (D.S.C.)*

Dear Judge Gergel:

This letter is being submitted on behalf of Plaintiff Tyco Fire Products (“Tyco”) and the Defendant AIG Insurers. As set forth below, the Parties request that the Court enter the enclosed proposed Amendment to Confidentiality and Protective Order, which will enable Tyco to produce in this action heightened confidential materials that were produced in the MDL while ensuring the protection and confidentiality of such materials.

Paragraph 21 of the Confidentiality and Protective Order (ECF 189) in this action states: “[d]ocuments that were produced or filed in the MDL that are responsive to discovery requests in this action may be produced in this action without seeking leave in the MDL or consent of the producing parties and without need to provide further Bates stamp numbers.” It further provides: “the parties agree to meet and confer before the production or use of any [documents or other materials designated in the MDL as ‘Department of Defense Distribution Statement F Information,’ ‘Department of Defense Off Site Sampling Data,’ ‘Export Control Information,’ or ‘Highly Confidential – TOG’ under the terms of the MDL CMOs] to discuss whether amendments to this Order are necessary to ensure the protection and confidentiality of such documents or materials.”

Following the meet and confer mandated by this provision, and consistent with the foregoing, the AIG Insurers, on behalf of the AIG Insurers and Tyco, write to request that this Court enter the Amendment to Confidentiality and Protective Order enclosed herewith, which would permit Tyco to produce in this action documents previously produced in the MDL that were designated as “Department of Defense Distribution Statement F Information,” “Department of Defense Off Site Sampling Data,” “Export Control Information,” or “Highly

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Confidential – TOG” under the terms of the applicable MDL CMOs (the “Heightened Confidentiality Materials”), while ensuring the confidentiality and protection of such documents and materials under substantially similar conditions as those applicable to the Heightened Confidentiality Materials in the MDL.

This is a matter of some urgency, as the Parties have started taking depositions and fact discovery is scheduled to conclude on March 1, 2024.

For the reasons set forth herein, Tyco and the AIG Insurers respectfully request that the Court enter the enclosed proposed form of Amendment to Confidentiality and Protective Order, which would permit Tyco to produce Heightened Confidentiality Materials responsive to the AIG Insurers’ requests, while ensuring the confidentiality and protection of such materials.

Tyco and the AIG Insurers appreciate the Court’s attention to this matter and are available to discuss this issue further with the Court.

Respectfully,

/s/ Adam J. Kaiser
ADAM J. KAISER

cc: All Counsel of Record (by ECF)